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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,221	02/14/2001	Alexander I. Leyn	CISCP211/3428	2554

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EXAMINER
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PHU, PHUONG M

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

<b>Office Action Summary</b>	<b>Application No.</b> 09/784,221	<b>Applicant(s)</b> LEYN, ALEXANDER I.	
	<b>Examiner</b> Phuong Phu	<b>Art Unit</b> 2631	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is responsive to the Amendment filed on 8/31/04.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

Claim 3 omits functional/structural/connectional interrelationships of “a locked oscillator” and “a source of a clock stream” with each other and with other elements (e.g., input source, SYNC decoder, SYNC receivers, etc.), claimed in claims 3 and 1, for making the claimed system to be a complete operative and connective system.

Claim 4 omits functional/structural/connectional interrelationships of “an external master reference” with other elements (e.g., input source, SYNC decoder, SYNC receivers, etc.), claimed in claims 4 and 1, for making the claimed system to be a complete operative and connective system since it is unclear in claim 4, how the “external master reference” is coupled to the “input source” in affecting the functions or operations of the “external master reference” and the “input source” or the functions or operations of the claimed system.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Noda et al (5,784,119), previously cited.

As per claims 1, 8, 9 and 17, see figure 1 and col. 2, line 38 to col. 3, line 67, Noda et al discloses a method and associated system comprising:

step/means (12, 11) having an input source for outputting a CLK signal (RCK) and a SYNC stream (17) for being received by means (13);

step/means (13) of decoding said SYNC stream into a plurality of decoded signals (AD, AUDIO PTS/DTS, VD, VIDEO PTS/DTS) in a time domain (note that said plurality of decoded signals are considered here equivalent with the limitation "qualified system time events") ; said decoding utilizing said CLK signal;

step/means (13) of transmitting said decoded signals to a plurality of receivers (15, 16);

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step/means (15, 16) of creating and synchronizing third signals (18, 19) derived from said decoded signals in the time domain (note that said third signals are considered here equivalent with the limitation “derived time events”); and

step/means (15, 16) of transmitting said third signals.

As per claims 2 and 10, Noda et al discloses that said input source comprises a clock (RCK).

As per claims 3, 4, 11 and 12, Noda et al discloses that said input source comprises a reference oscillator (12) generating and maintaining a CLK stream derived from clock (RCK) inherently when a lot of non-related sources are absent or present, and said input source has the oscillator (12) coupled to a plurality of devices (see figure 1).

As per claims 5 and 13, Noda et al discloses that each of receivers comprise a counter (14) wherein said third signals are dependent on the value of the counter (see figure 1) .

As per claim 6, in Noda et al, said SYNC stream (17) comprises a plurality of packet “frame” (see col. 2, lines 53-60), wherein each packet inherently comprises a plurality of high and low bits (PTS, DTS) with a length more than 8 bits for a purpose of synchronizing a data stream (see col. 3, lines 1-24).

As per claim 7, Noda et al discloses that said plurality of high and low bits repeats in each packet ((see col. 3, lines 1-24).

6. Claims 1-4, 8-12 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al (6,288,748), previously cited.

As per claims 1, 8, 9 and 17, see figure 4 and col. 6, line 7 to col. 7, line 2, Watanabe et al discloses a method and associated system comprising:

step/means (113, 122) having an input source for outputting a CLK signal and a signal stream (T.S.) for being received by means (114);

step/means (114) of decoding said signal stream into a plurality of decoded signals (A, Y, H) (note that said plurality of decoded signals are considered here equivalent with the limitation “qualified system time events”); said decoding utilizing said CLK signal (see col. 6, lines 23-25);

step/means (115, 117, 119) of transmitting said decoded signals to a plurality of receivers (116, 118, 120);

step/means (116, 118, 120) of creating and synchronizing third signals derived from said decoded signals (note that said third signals are considered here equivalent with the limitation “derived time events”); and

step/means (116, 118, 120) of transmitting said third signals.

As per claims 2 and 10, Watanabe et al discloses that said input source comprises a clock signal from means (122) (see figure 4).

As per claims 3, 4, 11 and 12, Watanabe et al discloses that said input source comprises a reference oscillator (123) generating and maintaining a CLK stream inherently when a lot of non-related sources are absent or present, and said input source has the oscillator (123) coupled to a plurality of devices (see figure 4).

### ***Response to Arguments***

7. Applicant's arguments filed on 8/31/04 have been fully considered but they are not, in part, persuasive.

The rejections to claims 7 and 15, under 35 USC 112, second paragraph, have been withdrawn since the claims were amended to overcome the rejection.

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The rejection to claim 5, under 35 USC 112, second paragraph, has been withdrawn since the claim was amended to overcome the rejection.

Claims 3 and 4, after being amended, are rejected, under 35 USC 112, second paragraph, as set forth above in this Office Action.

Applicant's arguments, with respect to rejections to claims 1-13, under 35 USC 102, as being anticipated by Noda et al or Watanable et al, are not persuasive.

The applicant mainly argues that (i) neither of Noda et al and Watanable et al teaches or suggests qualified system time events or derived time events, as recited in claims 1, 8 and 9; and (ii) neither of Noda et al and Watanable et al teaches or suggests a device or procedure of "converting said qualified system time events to one or more derived time events", as recited in claims 1, 8 and 9.

Regarding to part (i), the examiner respectfully disagrees. Note that the limitations "qualified system time events" and "derived time events", recited in the claims, are considered and given a patentable weight, as signals in a time domain. With respect to reference Noda et al, as explained above in this Office Action, Noda et al discloses a plurality of decoded signals (AD, AUDIO PTS/DTS, VD, VIDEO PTS/DTS) in a time domain (note that said plurality of decoded signals are considered here equivalent with the limitation "qualified system time events"), and third signals (18, 19) in the time domain (note that said third signals are considered here equivalent with the limitation "derived time events"). The claims do not have other limitations to make "qualified system time events" from Noda et al decoded signals and "derived time events" distinguishable from Noda et al third signals. With respect to reference Watanable et al, similarly, as explained above in this Office Action, Watanable et al discloses a plurality of

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decoded signals ((A, Y, H)) in a time domain (note that said plurality of decoded signals are considered here equivalent with the limitation “qualified system time events”), and third signals in the time domain (note that said third signals are considered here equivalent with the limitation “derived time events”). The claims do not have other limitations to make “qualified system time events” from Watanable et al decoded signals and “derived time events” distinguishable from Watanable et al third signals.

Regarding to part (ii), the examiner also disagrees. Noda et al, as explained above in this Office Action, Noda et al discloses a device or procedure (15, 16) which is equivalent to a device or procedure of “converting said qualified system time events to one or more derived time events”. And Watanable et al, as explained above in this Office Action, Watanable et al discloses a device or procedure (116, 118, 120) which is equivalent to a device or procedure of “converting said qualified system time events to one or more derived time events”.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 571-272-3009. The examiner can normally be reached on M-F (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Phuong Phu*

Phuong Phu  
11/08/04

**PHUONG PHU  
PRIMARY EXAMINER**

Phuong Phu  
Primary Examiner  
Art Unit 2631